

Case 1:12-cv-04760-PKC Document 41 Filed 02/14/13 Page 1 of 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

- v - :

ONE TYRANNOSAURUS BATAAR SKELETON, :
a/k/a LOT 49315 LISTED ON PAGE 92 :
OF THE HERITAGE AUCTIONS MAY 20, :
2012 NATURAL HISTORY AUCTION :
CATALOG, :

Defendant-in-rem. :

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2-13-13</u>

DEFAULT JUDGMENT

12 Civ. 4760 (PKC)

WHEREAS, on June 18, 2012, the Government commenced this civil action for the forfeiture of one Tyrannosaurus bataar skeleton, a/k/a lot 49315 listed on page 92 of the Heritage Auctions May 20, 2012 Natural History Auction Catalog, (the "Defendant Property") by filing of a verified complaint (the "Verified Complaint");

WHEREAS, beginning on June 27, 2012 and for thirty (30) consecutive days thereafter, pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, notice of the Verified Complaint was posted on the official government internet site www.forfeiture.gov. Proof of such publication was filed with the Clerk of the Court on January 9, 2013;

WHEREAS, on or about June 26, 2012, a notice letter and a copy of the Verified Complaint was sent by certified mail, return receipt requested, to the following:

- (A) Heritage Auctions
3500 Maple Avenue, 17th Floor
Dallas, TX 75219-3941
- (B) Eric Prokopi
[REDACTED]
Gainesville, FL [REDACTED]
- (C) Michael McCullough
Michael McCullough, LLC
Attorney for Eric Prokopi
155 Water Street, 3rd Floor
Brooklyn, NY 11201, and
- (D) Peter K. Tompa
Bailey & Ehrenberg, PLLC
Attorneys for Eric Prokopi
1015 18th Street, NW, Suite 204
Washington D.C. 20036;

WHEREAS, on or about June 26, 2012, a notice letter and a copy of the Verified Complaint was sent by International Federal Express to Chris Moore Fossils, [REDACTED]

[REDACTED];

WHEREAS, on or about July 10, 2012, a notice letter and a copy of the Verified Complaint was sent by certified mail, return receipt requested to John Cahill [REDACTED]

[REDACTED];

WHEREAS, the foregoing are the only persons known by the Government to have a potential interest in the Defendant Property;

WHEREAS, or about July 27, 2012, Eric Prokopi filed a claim in this action;

WHEREAS, on or about September 24, 2012, the United States filed a First Amended Complaint;

WHEREAS, on or about December 27, 2012 Eric Prokopi executed a stipulation to withdraw and dismiss his claim (the "Withdrawal Stipulation");

WHEREAS, on or about January 2, 2013 this Court signed and entered the Withdrawal Stipulation;

WHEREAS, no other claims or answers have been filed or made in this action, and the statutory time periods for doing so, as set forth in Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions have expired;

NOW THEREFORE, on the motion of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, Sharon Cohen Levin, Chief, Asset Forfeiture Unit, and Martin S. Bell, Assistant United States Attorney, of counsel;

IT IS HEREBY ORDERED that:

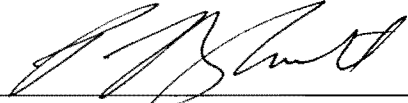
1. Plaintiff United States of America shall have judgment by default against the Defendant Property.

2. The Defendant Property shall be, and the same hereby is, forfeited to the plaintiff United States of America.

3. The United States Customs and Border Protection
(or its designee) shall dispose of the Defendant Property
according to law.

Dated: New York, New York
~~January~~ February 13, 2013

SO ORDERED:


HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

4. The case is
closed. All motions
are terminated.

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____